

Additional Comments
On the
Prior Notice of imported Food Under the public Health Security
And Bioterrorism Preparedness and Response Act of 2002:

- 1- Nowadays trading Companies play important role in the international trade . These companies obtain the goods they export from different Producing companies, some of these Producing companies are not involved directly in export business. Therefore these Producing companies will not register themselves with the FDA . How the FDA will deal with imports exported by trading companies obtained from companies not registered with FDA ?
- 2- Rule III .A. : What is FDA code, is it derived from HS code, are they identical .
- 3- Rule III .B. 2.e : There is an ambiguity about the FDA definition of Originating Countries, is it different from US Customs definition
- 4 - How would FDA react to inevitable or extenuating circumstances such as delay in arrival of food shipment by sea to entry port ?

Ministry of Foreign Trade
Egyptian Commercial Service
Americas Department

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Comments By Egyptian Government
on the
Prior Notice of imported Food Under The Public Health Security
and Bioterrorism Preparedness and Response Act of 2002

Part ..1: Comments to specific Rulinas :

- Rule III. A. 1 : What is FDA code, is it derived from HS code, or are they identical, and if not, would this rule entail more burden on foreign exporters. (page 10)
- Rule III. A. 1 : What is meant by information related to US customs entry process. (page 10)
- Rule III. A . 2: The notice must be submitted by noon of the calendar day before the day of arrival.. The definition of the calendar day (Rule III A . 2 . A) is every day shown on the calendar .. What would be the case if the imported food arrives OR will arrive to the american port in a public holidays OR a weekend? (page 12 . 2.b.)
- Rule III. B. 1. : When shall food carried by individual travelers qualify or disqualify for exemption from pre-notice sub part.
(pages 11 , 12)
- Rule III. B. 2.e : There is an ambiguity about how is the FDA definition of originating countries is different from US customs definition.
- . Rule III. C .3. : Relying solely on a web-based electronic pre- notice submission system entails serious repercussions on submitters in case of system failures, web-site down or high net traffic, specially with the perishable nature of food

-2-

products and strict submission deadlines set out by FDA (page 29). We recommend there should be a parallel system to be used in above cases where it won't be possible for web electronic submissions.

- Rule III. d. : FDA is requesting comment on whether the required notes should include the countries of intermediate destination .. In the case of Egypt - and in many cases - the importers and the exporters can't guarantee the countries of intermediate destination, and they may not know what other ports the ship will enter or pass in its way from an Egyptian port - or originated port - to a U.S.A port.
- Rule III. d. : The FDA believes that prior notice is required if the article is being imported for use as food .. It is recommended that the FDA should specify from the beginning the non food Articles that can be used as food.
- Rule III. e. : Originating country OR the country from which the article of food originates needs more clarification, specially for the processed food.
- Rule 3 : The FDA proposed that the consequences of failing to submit a adequate prior notices, the food will be held at the port of entry ... etc. and the purchaser, owner, importer or consignee is responsible for the expenses. These expenses should be covered by the importer or purchaser because he is the person required " by this act " to submit the prior notice. (C.1 page 21)
- Rule 6 : FDA is proposing that the prior notice must be amended if all information required are not exist at the time of notification, the submitter must indicate the intention to amend the information ... and the FDA is proposing that the prior notice may be amended only once ..
We believe that the FDA asks for every detailed information about the imported food, therefor these information may need to be amended more than once to comply with these specific requirements.